

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7587

Petition of Vermont Electric Power )  
Company, Inc., and Vermont Transco, LLC, )  
for authority to condemn easement rights in )  
property interests of Frank J. Mercede, )  
Trustee, and Capital Financing Company, )  
located in Newfane, Vermont, for the )  
purpose of constructing the so-called )  
Southern Loop Transmission Upgrade )  
Project )

and

Docket No. 7588

Petition of Vermont Electric Power )  
Company, Inc., and Vermont Transco, LLC, )  
for authority to condemn easement rights in )  
property interests of NJM Realty, LLC, )  
located in Newfane, Vermont, for the )  
purpose of constructing the so-called )  
Southern Loop Transmission Upgrade )  
Project )

Order entered: 2/5/2010

**PREHEARING CONFERENCE MEMORANDUM**

On February 2, 2010, I convened a prehearing conference in these dockets. The following persons entered appearances: Gary Karnedy, Esq., Primmer Piper Eggleston & Cramer PC, for Vermont Electric Power Company, Inc., and Vermont Transco, LLC (collectively,

"Petitioners"); James Dumont, Esq., for Frank J. Mercede, Trustee, and NJM Realty, LLC (collectively, "Landowners"); and Sarah Hofmann, Esq., and Louise Porter, Esq., for the Vermont Department of Public Service ("Department").

#### Motions to Appear Pro Hac Vice

The Department filed motions for the admission pro hac vice of Louise Porter in these dockets. No party objected, and I granted the motions.

#### Consolidation

The Petitioners requested that these two dockets be consolidated, in light of the related ownership and contiguity of the parcels. No party objected to consolidation.

I have concluded that it is sensible to consolidate these dockets in their entirety, and therefore they shall be so consolidated.

#### Substitution of Witness

The Petitioners included with each of the petitions prefiled testimony from a panel of witnesses consisting of Christine Carr, Dean LaForest, and William McNamara. The Petitioners reported that Mr. LaForest is no longer available and proposed to substitute a new witness, Christopher Diebold, for Mr. LaForest. Mr. Diebold would adopt Mr. LaForest's prefired testimony and be available to respond to questions about that testimony.

There were no objections, and I allowed the substitution of Mr. Diebold in place of Mr. LaForest.

#### Scheduling

At the prehearing conference, the Petitioners and the Landowners proposed conflicting schedules, with the Petitioners seeking a more expedited proceeding. After some discussion, I established the following schedule:

February 9, 2010

Deadline for motions to intervene

February 12, 2010	Discovery requests <sup>1</sup> on Petitioners
February 16, 2010	Responses to motions to intervene
February 19, 2010	Petitioners respond to discovery
March 8, 2010	Landowners and Department prefile testimony; <sup>2</sup> deadline for motions to exclude Petitioners' initial prefiled testimony and exhibits
Week of March 8, 2010	Site visit <sup>3</sup>
March 17, 2010	Discovery requests on Landowners and Department
March 26, 2010	Landowners and Department respond to discovery
April 2, 2010	All parties prefile testimony in rebuttal to March 8 testimony
April 8, 2010	Discovery requests on rebuttal testimony
April 14, 2010	Responses to April 8 discovery requests
April 14 – 23, 2010	Period for voluntary mediation
Week of April 26, 2010	Technical hearings

Initial briefs will be due ten calendar days after the completion of hearings, with reply briefs due one week after initial briefs.

SO ORDERED.

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1. The discovery periods in this schedule pertain to written discovery requests. Parties may take depositions outside the designated dates for written discovery.

2. The prefiled testimony of any intervenor would also be due March 8, 2010.

3. The site visit will be scheduled for one day between March 9 and 12, with March 10 and 12 the most likely dates.

Dated at Montpelier, Vermont, this 5th day of February, 2010.

s/Kurt Janson

Kurt Janson  
Hearing Officer

OFFICE OF THE CLERK

FILED: February 5, 2010

ATTEST: s/Judith C. Whitney

Deputy Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [psb.clerk@state.vt.us](mailto:psb.clerk@state.vt.us))*